PILED

LOVE BY

APPENDIX

E ROBERT SERVER, CLERK

In the

## Supreme Court of the United States '

Orland Torn, 1985 /97/

No set 70-3/

Pone of Portland, at at.,

Appellants,

United States OF AMERICA, ET AL.,

Appellees.

ON APPUAL PROM THE UNITED STATES DISTRICT GOURT FOR THE DISTRICT OF OREGON

PROBABLE JUDISORCHION NOTED PERBUARY 23, 1571.

### CONTENTS OF APPENDIX

	PAGE
Docket entries	. 1
Order and judgment of the United States District Court for the District of Oregon dated July 9, 1970	
Report of the Interstate Commerce Commission (ICC) by Division 3, Spokane, Portland & Seattle Railway Company and Union Pacific Railroad Company—Control—Peninsula Terminal Company, 334 I.C.C. 419, decided June 6, 1969	y
Report and order recommended by Hearing Examine Samuel C. Shoup, served September 24, 1968	r 69
Application of Spokane, Portland and Seattle Railway Company (SP&S) and Union Pacific Railroad Company (UP), dated July 18 and 21, 1967	- 1
Petition of Chicago, Milwaukee, St. Paul and Pacifi Railroad Company (Milwaukee) for inclusion, dated August 22, 1967	c d 162
Amended petition of Southern Pacific Company (SP in intervention, stating request for inclusion and fo trackage rights, dated November 28, 1967	r - •
Applications of SP at ICC Finance Docket Nos. 2489 - and 24891, filed on December 21, 1967	0
Reply of SP&S to Milwaukee's petition for inclusion and trackage rights, dated December 27, 1967	
Reply of UP to Milwaukee's petition for inclusion dated December 27, 1967	
Supplement of Milwaukee to its petition for inclusion dated January 26, 1968	180
Petition of Milwaukee for issuance of subpoenas duce tecum, dated January 26, 1968	s . 184
Reply of SP&S and UP to Milwaukee's supplementand its petition for subpoenas, dated February 5 1968	,
Order of the ICC, by Division 3, acting as an appellat division, dated February 13, 1968	e

	PAGE
Exhibits:	
Exhibit 1, E. Grosvenor Plowman, Statement	198
Exhibit 4, William S. Dirker, Jr., Statement	216
Exhibit 5A, William S. Dirker, Jr., Map	233
Exhibit 6, William S. Dirker, Jr., Map	235
Exhibit 22, Alfred M. Eschbach, Statement	237
Exhibit 23, Milton A. Mowat, Statement	243
Exhibit 23A, Milton A. Mowat, Excerpt from St ment before Portland Railroad Conference	tate- 246
Exhibit 24, T. E. Rochford, Statement	248
Exhibit 25, William A. Kavet, Statement	258
Exhibit 26, N. S. Westergard, Statement	262
Exhibit 27, George H. Baker, Statement	275
Exhibit 28, Robert A. Lawrence, Statement	: 278
Exhibit 29, Ronald W. McIntosh, Statement	284
Exhibit 31, A. O. Bartell, Statement	291
Exhibit 32, Maynard Cochran, Statement	292
Exhibit 34, Richard B. Kennedy, Statement	294
Exhibit 35, UP-SP&S letter of January 19, 196 Port of Portland	0 to 295
Exhibit 36, UP-SP&S letter of May 25, 1960 to 1 of Portland	
Exhibit 38, William F. Krause, Statement	300
Exhibit 39, Agreement dated May 26, 1967 betwood Oregon-Washington Railroad & Navigation C pany and others	om- 303
Exhibit 45, E. C. Ordway, Sample (10%) of S Carloads switched by Peninsula Terminal	S. P. 315
Exhibit 46, E. C. Ordway, Map	319
Exhibit 47, Larry H. Dugan, Statement	321

Published 50 William Co. 144 . Av . Av	PAGE
Exhibit 50, Milwaukee Conditions in Northern Lin Merger Cases	es 326
Exhibit 53, James T. Hayes, Statement	
Exhibit 54, Phillip J. Cullen, Statement	
Exhibit 56, Thomas.W. Dench, Statement	
Exhibit 57, Tables showing Portland Switching Ditricts	s. . 351
Exhibit 58, Thomas W. Dench, Map	355
Excerpts from transcript of testimony:	•
Witness T. E. Rochford	357
Witness William A. Kavet	
. Witness N. S. Westergard	365
Witness George H. Baker	393
Witness Jack M. Sandell	
Witness Robert A. Lawrence	. 430
Witness William H Krango	441
Witness Ronald W. McIntosh	457
Witness A. O. Bartell	. 474
Witness Norman E Fartier	477
Witness Richard B. Kennedy	484
Witness Maynard Chehran	
Witness A. W. Kilborn	
Witness F. Wascoe	508
Witness O. G. Linde	
Witness E. C. Ordway	
Witness Larry H. Dugan	
Witness James T. Hayes	
Witness Phillip J. Cullen	
	. 400

	PAGE
Witness E. Grosvenor Plowman	536
Witness William S. Dirker, Jr.	540
Witness Alfred M. Eschbach	548
Witness Milton A. Mowat	550
Witness Thomas W. Dench	551
Witness Hollis Nenow	552
Witness Edgar E. Smith	554
Witness R. B. Hardin	557
Petition of Crown Zellerbach Corp. for reconsideration and further hearing with respect to Division 3's order of June 6, 1969, filed August 4, 1969	577
Order of the ICC, by Division 3, entered October 24, 1969 and served October 31, 1969, denying the petitions for reconsideration	579
Order of the ICC, entered November 21, 1969 and served November 26, 1969, denying petitions for a finding that an issue of general transportation importance is involved	. :::
Order of the ICC, entered December 8, 1969 postponing effective date of Division 3's order of June 6, 1969 until further order of the Commission	583
Notice of appeal to the Supreme Court of the United States filed September 1, 1970 in the United States District Court for the District of Oregon	585
Port of Portland v. United States, No. 903, October Term, Supreme Court of the United States, probable jurisdiction noted, February 22, 1970. (91 S. Ct. 865)	589

Note: Colors are not shown on certain maps in the Appendix. They are shown on the maps in the record certified to this Court.

Excerpts from the transcript of testimony are reprinted as shown in the transcript filed with the Commission. No corrections were requested by the parties.

#### In the

# Supreme Court of the United States

October Term, 1970

No. 903

POST OF PORTLAND, ET AL.,

Appellants.

v

UNITED STATES OF AMERICA, ET ML.,

Appellees.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF OREGON

### APPENDIX

### DOCKET ENTRIES

1969

Dec. 3 Filed Complaint.

- 3 Filed Motion for temporary restraining order.
- 3 Issued Summens to marshal.
- 8 Filed Memorandum of law in support of temporary restraining order.